UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SIX STAR CLEANING & CARPET SERVICES, INC., d/b/a SIX STAR JANITORIAL

and Cases 28-CA-023491

28-CA-070356

GENE COLLINS d/b/a SOUTHERN NEVADA FLAGGERS & BARRICADES

and Case 28-CA-023493

FLOPPY MOP, INC.

and Cases 28-CA-023492

28-CA-070356

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL NO. 872, AFL-CIO

ORDER DENYING MOTIONS FOR RECONSIDERATION

On June 28, 2013, the National Labor Relations Board issued a Decision and Order¹ in this proceeding, finding that the Respondents violated Section 8(a)(5) and (1) of the National Labor Relations Act by failing and refusing to furnish the Union, Laborers' International Union of North America, Local No. 872, AFL-CIO, with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of the Respondents' unit employees.

On July 11, 2013, the Union filed a motion for reconsideration of the Board's Decision and Order, and on August 26, 2013, the Respondents filed a motion for reconsideration and suggestion for consideration by the full Board.

¹ 359 NLRB No. 146.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Having duly considered these matters, we find that neither motion presents "extraordinary circumstances" warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.²

In its motion, the Union requests that the Board (1) modify its Order to require the Respondents to mail the Board's remedial notice "to all current and former employees employed by the Respondents at any time from the onset of the unfair labor practices until the date the notices are mailed;" (2) modify the notice to identify the website where employees can find the decision; and (3) mail a copy of the decision to employees along with the notice. The Union does not assert that the Board "materially erred" in failing to grant these previously unrequested remedies. Instead, the Union contends that the Board's traditional notice posting remedy is not sufficient because the Respondents are "engaged in the construction industry and have work from time to time." Contrary to the Union's contention, the fact that the Respondents are engaged in the construction industry does not, by itself, render the Board's traditional noticeposting requirement an insufficient remedy. Indeed, the remedy is typically applied to respondents in the construction industry. See, e.g., Engineering Contractors, 357 NLRB No. 127, slip op. at 9 (2011), enfd. per curiam Fed. Appx. , 2013 WL 1243150 (4th Cir. Mar. 28, 2013); McCarthy Construction Co., 355 NLRB 50, 53-54 (2010), incorporated by reference 355 NLRB 365 (2010).³ Further, as to its request to modify the notice procedure to include a cite

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² Member Johnson did not participate in the Board's decision in the underlying case and he finds no need to address whether the decision was correct. He agrees with his colleagues that the parties' motions fail to state any valid basis for reconsideration.

³ Bud Antle, Inc., 359 NLRB No. 140 (2013), cited in support by the Union, is distinguishable. In that case, the Board found that the traditional notice-posting requirement was insufficient

to the Board decision, and the mailing of that decision to employees, the Union asserts that "mere receipt of the notice only without the Board's decision is not a sufficient explanation of what occurred." This claim falls far short of the extraordinary circumstances necessary to support a motion for reconsideration

In their motion, the Respondents seek to introduce new evidence that the Union requested the information at issue for purposes of pursuing an unfair labor practice charge against the Respondents. We find no merit to the Respondents' contention, as there is no showing that this evidence was either newly discovered or previously unavailable, as required under Section 102.48(d)(1) of the Board's Rules and Regulations. In the absence of any such showing, the Respondents' motion "fails to raise any issue not previously considered by the Board." *Santa Barbara News-Press*, 359 NLRB No. 127, slip op. at 1 (2013).⁴

Accordingly, we conclude that neither the Union nor the Respondents have presented extraordinary circumstances warranting reconsideration.

IT IS ORDERED, therefore, that the Union's motion for reconsideration and the Respondents' motion for reconsideration and suggestion for consideration by the full Board are denied.

because the respondent's work force "move[d] from place to place harvesting various crops throughout the year," and thus "the respondent [did] not maintain any facilities to which all unit employees report[ed]." Id., slip op. at 1. No such circumstances are present here.

We further find no merit to the Respondents' request for consideration of this case by the full Board, as the motion fails to present any circumstances warranting full Board consideration. See generally *Enterprise Industrial Piping Co.*, 118 NLRB 1, 1 (1957) (motion seeking full Board consideration denied where motion "present[ed] no matters not previously considered").

⁴ The Respondents' motion also reiterates two additional contentions that were previously considered and rejected by the Board, namely that the Board lacks jurisdiction over Respondents Six Star Janitorial and Floppy Mop, Inc., and that the Union's information request was unduly burdensome. We find that reconsideration of these arguments is not warranted, as they raise nothing not previously considered in the underlying case. *Anheuser-Busch, Inc.*, 337 NLRB 756, 756 (2002).

Dated, Washington, D.C. January 2, 2014

	Mark Gaston Pearce,	Chairman	
	Kent Y. Hirozawa,	Member	
	Harry I. Johnson, III,	Member	
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